



**CITY OF HAYWARD
AGENDA REPORT**

Meeting Date 09/06/01
Agenda Item 1

TO: Planning Commission

FROM: Arlynn J. Camire, AICP, Associate Planner

SUBJECT: Review of Findings and Conditions of Approval for Variance Application No. 01-180-09 - Steve & Julie Dalcin (Applicants/Owners).

The property is located at 601 Garin Avenue in a Single-Family Residential (RS) District.

RECOMMENDATION:


Staff recommends that the Planning Commission approve the findings and conditions prepared by staff to support the Planning Commission's approval of Variance No. 01-180-09 on July 26, 2001.

As requested by the Commission, a condition requiring maintenance of the existing landscaping is included.

Prepared by:


Arlynn J. Camire, AICP
Associate Planner

Recommended by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Findings of Approval
- B. Conditions of Approval
- C. Minutes of July 26, 2001

Findings For Approval
Variance Application No. 01-180-09
Steve & Julie Dalcin (Applicants/Owners)
601 Garin Avenue

- A. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, pursuant to Section 15303, Minor Alterations to Land Use Limitations.
- B. There are special circumstances applicable to the property in that the house and attached garage were permitted to be built 18 feet, 3-inches, to 19 feet 6-inches, from the front property line.
- C. The strict application of the Zoning Ordinance would deprive this corner property of privileges enjoyed by other properties in the Mission-Garin Neighborhood under the same Single-Family Residential District zoning classification in that other homes in the vicinity have been permitted to build similar additions under previous Zoning Ordinance provisions and interpretations.
- D. The variance would not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and the Single-Family Residential District in which the property is situated in that other properties have somewhat similar circumstances.

Conditions For Approval
Variance Application No. 01-180-09
Steve & Julie Dalcin (Applicants/Owners)
601 Garin Avenue

1. Variance Application No. 01-180-09, to allow a reduction of a front setback from the required 20 feet to 18 feet-3 inches in order to extend an existing master bedroom and a living room shall be built and maintained in accordance with these conditions of approval and the plans approved by the Planning Commission on July 26, 2001, labeled Exhibit "A."
2. The existing landscaping shall be maintained in a healthy, weed-free condition at all times. The owner shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.
3. This approval is void one year after the effective date of approval unless a building permit application has been submitted and accepted for processing by the Building Official. Any modification to this permit shall require review and approval by the Planning Director.

Commissioner Zermeno asked for consideration of a parking structure on Lot 4, on B Street.

The motion **carried** by the following vote:

AYES:	COMMISSIONERS Bogue, Halliday, Thnay, Sacks, Williams, Zermeno
NOES:	CHAIRPERSON Caveglia
ABSENT:	None
ABSTAIN:	None

Chairperson Caveglia called for a 5-minute recess at 8:57 p.m. The meeting reconvened at 9:03 p.m.

3. **Variance No. 01-180-09 Steve & Julie Dalcin (Applicants/Owners):** Request for Reduction of a Front Setback From the Required 20 Feet to 18 Feet-3 Inches to Allow the Expansion of an Existing Master Bedroom and a Living Room. The Project is Located at 601 Garin Avenue in a RS (Single-Family Residential) Zoning District

Associate Planner Camire described the house and the garage. She noted that the applicant is requesting bringing the bedroom and living room out four feet from the house. Staff pointed out that there is nothing unusual about the property to warrant a variance. Staff recommends expansion into the side lot. This would bring the house to the front of the garage, which would not be within the guidelines, although, the Fairway Park Neighborhood supports the variance. This is at a gateway area. If inclined to approve, staff must come back with findings of approval.

Commissioner Zermeno commented that it looks like the applicant sent a list of homes in the area with less than 20' setback. Staff noted that some of the homes listed are not within the Mission-Garin Neighborhood, but were in the Fairway Park Neighborhood.

The public hearing opened at 9:10 p.m.

Julie Dalcin, the applicant, said they looked at various options for building onto the home including a second story but since they are on a prominent corner, they did not feel it would have good visual impact for the area. She commented that these homes are very small. To expand onto the side lot would only enlarge the bathrooms since that is what is on the side of the homes. She commented on the homes in their neighborhood which have been enlarged in their neighborhood. Their home is located on corner and it's a long lot. She showed a number of pictures of homes in the area with a variety of setbacks. She commented that a side yard extension would not give them any more living space.

The public hearing opened at 9:15 p.m.

Commissioner Halliday commented reminded everyone of the need to look at the zoning regulations in older neighborhoods for remodeling for current housing needs. She noted that they do not want to destroy the character of the neighborhood. If you look at the house now, it does not seem to be much of a flat front. She commented that this remodel would not substantially change the appearance of the house. She said the City needs to lean toward the

REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD, Council
ChambersThursday, July 26, 2001, 7:30 P.M.
777 "B" Street, Hayward, CA 94541

side of the property owner on these issues. She **moved**, seconded by Commissioner Bogue, to approve the setback and find the project exempt from CEQA.

Commissioner Zermeno said he would support the motion. The City of Hayward needs to support homeowners who want to improve their homes rather than having them move away to other areas.

Commissioner Bogue added a friendly amendment to maintain the present decorative landscaping. He suggested adding a standard landscaping condition when the findings are determined.

Commissioner Halliday said she was amenable with the spirit of the condition which is to have attractive landscaping as there is now and keep it in good condition. She said she would trust the property owner. Since the property owner expressed no concern, she agreed to the condition.

Commissioner Sacks expressed opposition to the motion. She commented that the Commission is going against the rules that they were selected to preserve and protect. She commented that the findings for denial are valid. Part of their charge is to preserve, protect, and enhance the old neighborhoods. She wondered, since this is one of 25 homes, where were the other 24 homeowners. She added that in the future, they might look at changing the General Plan, and consult with people in the neighborhoods. She did say she was impressed with the home.

Commissioner Thnay suggested staff consider expediting the pace of replacing the guidelines dealing with older homes. He suggested nice awnings similar to the homes on B Street might help break up the flat front. He also suggested looking at the 18-20 foot guidelines, under the new guidelines are these applicable.

Commissioner Halliday said she appreciated all the comments. She noted that it was time to look at the rulebook and make changes. She said that they need to do these by intuition and trust individuals. These people care about their homes. The City needs to allow growth over time. She said she was inclined to support the measure.

Commissioner Williams said he would support the motion but getting into the business of landscaping individual private property, is subjective. If the landscaping is acceptable, okay. He suggested giving more thought to the personal landscaping. He commented that as long as it is acceptable to the applicant, he would support the amendment as well.

Acting Principal Planner Patenaude pointed out that the findings must indicate that they are not approving a special condition. One way is with special conditions imposed on the property. This might be the appropriate thing to do.

Commissioner Zermeno discussed the fact that these individuals are making an investment in

our community. He suggested moving the landscaping toward the front of the property.

Commissioner Bogue reminded members that this is a variance and should be balanced by landscaping which might improve the look of the lot. He noted that to him this is a critical issue.

The motion passed 6:1, with Commissioner Sacks voting "No."

4. Appeal of Planning Director's Denial of Administrative Use Permit Application No. 01-150-06 - Jeannie Young For Compass Telecom Services (Applicant) / San Leandro Hayward Elks Lodge (Owner) - Request to Construct, Operate and Maintain an Unstaffed, Wireless Telecommunication Facility Consisting of a 60-Foot Tall Stealth Structure and Equipment Cabinets in the Rear Yard of the Elks Lodge. The Property is located at 24970 Hesperian Boulevard in a CN (Neighborhood Commercial) Zoning District

Associate Planner Camire described the location, the stealth monopole that would be disguised as a palm tree and placed in a palm grove on the property, and the neighbor's opposition to the request. The objection is based on the negative visual impact to the neighborhood. Staff does not feel findings can not be made to approve the project, so they recommend denial of the appeal.

Commissioner Bogue said he was secretary of the Southgate Homeowner's Association. They met with the applicant. He said he took notes at the meeting but did not participate.

Chairperson Caveglia asked about the other options. Staff mentioned Chabot College for another location.

Acting Principal Planner Patenaude commented that there would also be other locations on the site. For example, it could be moved around to the front.

Commissioner Halliday asked whether staff's primary objection is to the concept as a tree. She was told that staff did not think it could be disguised as a tree. Acting Principal Planner Patenaude explained that the flagpole on Ruus Road looks just like a flagpole.

Commissioner Halliday then asked why palm trees are not appropriate as street trees. She was told the City has a street tree plan and a palm tree is not the usual type of tree to be encouraged. Commissioner Halliday suggested there might be an historical tie in to the trees on this property.

The public hearing opened at 9:42 p.m.

James Holland, representing Sprint PCS applicant, said there are potent arguments for the tree. Sprint is making the application because there is a serious gap in service in this area. They are committed to provide continuous service for Sprint PCS. The wireless antenna would be inserted in the middle of the other palm trees at the property. The wires and antennae would be concealed by the palm leaves. The trunk would be the pole, painted and textured to match the other trees. The support equipment would be concealed behind existing landscaping and a wooden fence behind the property. They believe that the denial was based on the fact that the palm could not